

## Message Text

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ACTION AF-08

INFO OCT-01 ISO-00 AID-05 L-03 SY-05 CIAE-00 INR-07

NSAE-00 SCA-01 PPT-01 DHA-02 /033 W

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R 101510Z AUG 76

FM AMEMBASSY LAGOS

TO SECSTATE WASHDC 6266

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E. O. 11652: N/A

TAGS: PDIP, CASC

SUBJ: ARREST, RELEASE AND FOLLOW-UP OF USAID OFFICIAL

FOLLOWING IS TEXT OF NOTE VERBALE NO. 390 (UNNECESSARY WORDS  
OMITTED) DELIVERED TO MINISTRY OF EXTERNAL AFFAIRS JULY 29, 1976:

1. "EMBASSY REFERS TO NOTES NUMBER 342 OF JULY 7, 1976 AND  
NUMBER 347 OF JULY 12, 1976, CONCERNING MR. GORDON E. PROUTY,  
AN OFFICIAL OF THIS EMBASSY.
2. "MINISTRY WILL RECALL THAT IN NOTE OF JULY 7, EMBASSY REFERRED  
TO THE DETENTION OF MR. PROUTY BY NIGERIA POLICE AT C.I.D.  
HEADQUARTERS FROM JULY 3 UNTIL JULY 5 AND THE SEIZURE OF HIS  
PASSPORT, DOCUMENTS AND PERSONAL PROPERTY. REFERENCE ALSO WAS MADE  
TO ISSUANCE TO MR. PROUTY OF JULY 5 A SUMMONS TO APPEAR AT COURT  
NUMBER 3, YABA, ON JULY 7 TO ANSWER TO A CITATION FOR DRIVING  
AN IMPROPERLY DOCUMENTED CAR ON JULY 1. ASSISTANCE OF MINISTRY  
WAS SOUGHT IN OBTAINING THE RETURN OF PROUTY'S PASSPORT AND  
PROPERTY AND IN INFORMING THE APPROPRIATE JUDICIAL AUTHORITIES  
THAT EMBASSY WOULD BE UNABLE TO RELEASE PROUTY FROM HIS OFFICIAL  
DUTIES TO RESPOND TO THE COURT SUMMONS. IN NOTE OF JULY 12,  
EMBASSY INFORMED THE MINISTRY THAT MR. PROUTY'S PASSPORT HAD BEEN  
RETURNED TO HIM BY THE POLICE ON JULY 8, ONLY TO BE SEIZED AGAIN  
ON JULY 10 AT MURTALA MUHAMMED AIRPORT AS HE WAS ABOUT TO BOARD  
THE AIR TOGO FLIGHT TO LOME.

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3. "ON WEDNESDAY, JULY 28, THE EMBASSY WAS INFORMED BY A POLICE

OFFICER ATTACHED TO MAGISTRATES COURT NUMBER 3, YABA, THAT HE HAD BEEN INSTRUCTED TO EXECUTE A BENCH WARRANT, (A COPY WAS ENCLOSED), FOR THE ARREST OF MR. PROUTY FOR FAILING TO APPEAR IN COURT ON JULY 7. THE EMBASSY IS CONCERNED TO LEARN THAT THE MAGISTRATES COURT WAS NOT INFORMED THAT MR. PROUTY WOULD NOT BE ABLE TO APPEAR.

4. "EMBASSY IS DISTRESSED BY ITS INABILITY TO EMPLOY MR. PROUTY IN CAPACITY FOR WHICH HE IS BEING MAINTAINED IN NIGERIA AT CONSIDERABLE EXPENSE TO THE U.S. GOVERNMENT. AS MINISTRY KNOWS, MR. PROUTY IS RESPONSIBLE FOR COORDINATING AND EXPEDITING SHIPMENT OF GRAIN SORGHUM THROUGH PORTS OF APAPA AND LOME TO DROUGHT AFFECTED AREAS OF REPUBLIC OF NIGER AND FOR COORDINATION OF OTHER FOOD RELIEF PROGRAMS IN THE SAHEL. THESE RESPONSIBILITIES REQUIRE HIS PRESENCE IN NIGERIA THROUGH END OF SEPT., 1976, TO ARRANGE UNLOADING OF 4500 TONS OF GRAIN SORGHUM AT APAPA PORT FOR PROCESSING BY NIGERIA FLOUR MILLS AND TO MAKE SEVERAL TRIPS TO LOME TO PERFORM SIMILAR DUTIES AT THAT PORT. IN ADDITION, MR. PROUTY IS SCHEDULED DEPART NIGERIA AUG. 6 FOR BRIEF REUNION WITH HIS FAMILY, RETURN ABOUT AUGUST 29 TO COMPLETE PROJECTS. "EMBASSY IS CONVINCED THAT ACTIONS OF NIGERIA POLICE IN THIS CASE ARE RESULT OF A MISUNDERSTANDING. NEVERTHELESS, THE EMBASSY IS CONSTRAINED TO EXPRESS ITS ALARM AND TO PROTEST MOST STRONGLY THE CONTINUED DELAY IN PUTTING THE MATTER TO REST. IN EMBASSY'S VIEW, MINISTRY CANNOT FAIL TO RECOGNIZE THAT RETENTION OF AN EMBASSY OFFICER'S PASSPORT IS A MOST EXTRAORDINARY MEASURE TO BE EMPLOYED BY A HOST GOVERNMENT WITH RESPECT TO AN ACCREDITED OFFICIAL OF ANOTHER GOVERNMENT, NOTWITHSTANDING WHETHER THE PASSPORT BE OF DIPLOMATIC OR OFFICIAL STATUS.

5. "WITH THE PROLONGED HISTORY OF THIS CASE IN MIND, EMBASSY RESPECTFULLY REQUESTS MINISTRY'S URGENT COOPERATION IN SECURING THE FOLLOWING: (1) RETURN OF MR. PROUTY'S OFFICIAL PASSPORT AND PERSONAL PROPERTY, (2) ASSURANCES THAT MR. PROUTY WILL BE PERMITTED TO DEPART AND REENTER NIGERIA WITHOUT HINDRANCE, (3) QUASHING OF BENCH WARRANT FOR HIS ARREST AND NOTIFICATION TO THE MAGISTRATES COURT AT YABA THAT MR. PROUTY IS AN OFFICIAL OF A DIPLOMATIC MISSION AND IS NOT AVAILABLE TO ANSWER THE SUMMONS ISSUED ON JULY 5, AND (4) RETURN OF THE AUTOMOBILE DOCUMENTS BEING HELD BY THE MAGISTRATE'S COURT TO ENABLE THE EMBASSY TO CONTINUE THE PROCESS OF REGISTRATION. THE MINISTRY'S EARLY LIMITED OFFICIAL USE

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ACKNOWLEDGEMENT OF THIS COMMUNICATION WOULD BE GREATLY APPRECIATED."

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